

██████████  
Person with Management or Control  
Communities@Work  
RE: Communities@Work Neville Bonner Out of School Hours Care

Email: ██████████@commsatwork.org

Dear Ms ██████████

**Decision to issue Administrative Action RE: NOT-00086144**

1. As you may be aware, Authorised Officers of the ACT Regulatory Authority (the Authority), also known as Children's Education and Care Assurance, recently assessed a Notification of Incident (NOT-00086144) relating to Communities@Work Neville Bonner Out of School Hours Care SE-00014264 (the Service) operated by Communities@Work PR-00005824 (the Provider).
2. The notification of incident advised that on 25 October 2024, a roll call was conducted at 4:57pm, wherein a child was identified as missing.
3. The Authority is satisfied that the Provider did not comply with the provisions of the *Education and Care Services National Law Act (ACT)* (the Law) in this instance. Web addresses to the Law and the associated *Regulations* are provided for your convenience at the end of this Decision.

**Facts**

4. On 28 October 2024, a notification of incident (NOT-00086144) was submitted to the Authority by the Provider advising that on 25 October 2024, ██████████ (9 years old) was signed in to the Service at 3:03pm, however, ██████████ was not identified as missing until 4:57pm.
5. Additional information submitted with NOT-00086144 included the following:
  - Incident report.
6. Please note, documents referred to in paragraph 4 and 5 are not included. These documents can be provided upon request.
7. NOT-00086144 further advised that steps taken by the Provider to prevent or minimise a similar incident included:
  - Reflective conversations with the service identified that the transition of school children not attending OSHC at this time reduces supervision capabilities.
  - The service has changed the door they use for entry to OSHC at 3pm, so there are not children entering and exiting that do not attend OSHC.
  - Families are regularly reminded that if their child is not attending a session, it is their responsibility to inform the Service.

**Law**

8. The Notification engaged the following provisions of the *Law*:

**Section 165(1) of the Law - Offence to inadequately supervise children**

The approved provider of an education and care service must ensure that all children being educated and cared for by the service are adequately supervised at all times that the children are in the care of that service.

Penalty: \$11 400, in the case of an individual  
\$57 400, in any other case.

**Section 167(1) of the Law - Offence relating to protection of children from harm and hazards**

The approved provider of an education and care service must ensure that every reasonable precaution is taken to protect children being educated and care for by the service from harm and from any hazard likely to cause injury.

Penalty: \$11 400, in the case of an individual  
\$57 400, in any other case.

**Decision**

9. The Authority has considered all the information supplied by the Provider and is satisfied that there is sufficient evidence to substantiate an offence under section 165 and 167 of the *Law* in this instance.
10. In relation to section 165 and 167 of the *Law*, the Authority is satisfied, on the balance of probabilities, that the Provider did not ensure that all children were adequately supervised, or protected from harm, at all times while in the care of the Service on 25 October 2024.
11. The *Law* outlines a range of statutory actions which may be taken by the Authority in response to non-compliance. The Authority has the flexibility to choose the most appropriate action to support you to achieve compliance and improve outcomes for children.
12. Considering the evidence, the objectives and guiding principles of the *Law*, the compliance history of the Service, and the advised of steps taken by the Provider to mitigate risk of a similar occurrence, the Authority has decided to issue this administrative action rather than statutory compliance actions to address the non-compliance.
13. This decision services to remind the Provider of their obligations and responsibilities under the *Law*, and to ensure that staffing and supervisory processes and educator practice is monitored regularly to ensure ongoing compliance with the *Law* and encourage continual improvements for outcomes for children.
14. This Decision will be recorded on the Service's file and may be considered in any future applications for approvals, amendments, or waivers. It may also be considered in determining the action to be taken, should further breaches of the Law or associated Regulations be found.

**Legislation**

15. The *Law* applies to you as a provider and any service you operate. The *Law* is applied in the ACT by the *Education and Care Services National Law (ACT) Act 2011* <http://www.legislation.act.gov.au/a/2011-42/default.asp> . The *Law* and *Regulations* can be viewed at: <http://www.acecqa.gov.au/national-law> , and <http://www.legislation.nsw.gov.au/#/view/regulation/2011/653>.
16. Should you have any questions about this Decision please contact me at [vittorio.colosimo@act.gov.au](mailto:vittorio.colosimo@act.gov.au).

Yours Sincerely,



**Vittorio Colosimo**

A/g Assistant Director Investigations  
Education and Care Regulation and Support  
Education Directorate

16 December 2024